

REMARKS

This Amendment cancels Claim 7 and amends Claims 6, 8-10, and 12 in accordance with the original disclosure. Support for the claim amendments is found, for example, in canceled Claim 7. Claims 6 and 8-12 remain in this application.

Objection to Claim 6

The Examiner objected to Claim 6 for use of the term "benzo-fused". As set forth above, Applicants have amended Claim 6 to delete this term and to limit Claim 6 to the specific formulation set forth in original Claim 7. Therefore, this objection is believed to be moot.

Rejections Under 35 U.S.C. § 103(a)

Claims 6-12 stand rejected for obviousness over the combined teachings of U.S. Patent No. 5,262,383 to Fischer et al. in view of the teachings of CABA Abstract 1999:29730. The Examiner relies upon Fischer for the broad disclosure of cyclic ketoenols with insecticidal and acaricidal activity. The Examiner relies upon the CABA Abstract for disclosure of compounds such as Formula II I having insecticidal activity.

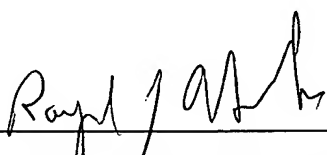
However, as the Examiner notes on page 4 of the Office Action, the pending claims are directed to a synergistically effective mixture of two compounds. The Examiner notes that a synergistically effective mixture is a patentable distinction over the art but that this distinction should be established through objective evidence, not through mere assertion in claim language. As requested by the Examiner, Applicants enclose herewith a copy of a Declaration from Dr. Joerg Konze submitted in the parent case (U.S. Application Serial No. 09/937,239, now U.S. Patent No. 6,716,874) that objectively establishes the synergistic effect of the combined components Ia and II I of Claim 6. The Examiner's attention is drawn specifically to Table A, Page 2 and Table B, Page 4 of the Declaration that show the synergistic effect of such a combination on cotton leaves infested by aphids (*Aphis gossypii*) and white fly pests (*Bemisia tabaci*), respectively. These tests clearly show the synergistic effect of the combination over the expected efficacy of the combination. Applicants believe this objective evidence clearly shows that the

claimed mixture provides unexpectedly synergistic and non-obvious results that patentably distinguish the claimed combination from the cited references. Therefore, reconsideration of the rejections of Claims 6 and 8-12 is respectfully requested.

Conclusion

In view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of Claims 6 and 8-12 are respectfully requested.

Respectfully submitted,

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